

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GEORGIA-PACIFIC CONSUMER  
PRODUCTS LP, FORT JAMES  
CORPORATION and GEORGIA  
PACIFIC LLC,

Plaintiffs,

v.

NCR CORPORATION and  
INTERNATIONAL PAPER CO.,

Defendants.

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Case No. 1:11cv483

HON. ROBERT J. JONKER

**ORDER**

The Court has before it the parties' stipulation and proposed order (docket # 413) regarding changes to the trial transcript. The Court accepts the stipulation for information only at this time, but takes no action ordering any changes to the transcript itself. The parties cite no authority for the Court to order a change in the certified transcripts of trial, and the Court knows of no such authority. To the contrary, it is normally the duty of the Court Reporter to prepare and certify the transcripts as they see fit based on their notes and recordings. In the context of a pending appeal, the Court may on rare occasions be called upon to settle an issue regarding what actually occurred on the record. Fed. R. App. P. 10(e). But there is no pending appeal at this time, and the proposed changes in the transcript do not at this point appear focused on a dispute over what actually happened in the trial court.

Trial transcripts are not subject to the "read and sign" provisions applicable to depositions under Fed. R. Civ. P. 30(e). And even the "read and sign" provisions of Rule 30(e) do not provide for actual changes to the certified transcript of the reporter, but simply direct that the deponent's changes--whether in form or substance--be appended to the certified transcript. By accepting the parties' stipulation, without ordering any changes, the Court effectively creates

for the trial transcripts a process similar to the one in effect for depositions, leaving the ultimate fact questions for the fact finder. Most of the proposed changes do not at this time appear critical to any factual issue in dispute. Many, in fact, appear to be primarily clerical issues (such as proposed substitution of "RI/FS" for "RIFS"). If and when a proposed change becomes material to the Court's findings of fact or conclusions of law, the parties and the Court can determine how best to proceed. The Court will have before it both the certified transcript of proceedings, and the parties' agreed statement of what was intended and what they believe a clerically correct transcript would contain.

**IT IS SO ORDERED.**

/s/Robert J. Jonker  
ROBERT J. JONKER  
UNITED STATES DISTRICT JUDGE

Dated: April 22, 2013